

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESUS GONZALEZ-QUEZADA,

Petitioner, ) Case No. C11-639-RSM

V.

ELDON VAIL,

## Respondent.

## **ORDER OF DISMISSAL**

The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus, respondent's Answer, the Report and Recommendation of the Honorable Brian A. M. Cada, United States Magistrate Judge, any objections or responses to that, and the remaining record, finds and orders as follows:

1. The Report and Recommendation is ADOPTED;
  2. Petitioner's § 2254 habeas petition is DISMISSED **without** prejudice to refiling once all claims have been fully exhausted in state court;
  3. Petitioner is DENIED issuance of a certificate of appealability; and
  4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 23 day of December 2011.

  
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RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE